

Delegated Report		Analysis sheet	Expiry Date:	10/02/2017
		N/A / attached	Consultation Expiry Date:	23/02/2017
Officer			Application Number(s)	
John Diver			2016/6930/P	
Application Address			Drawing Numbers	
Pakenham Arms 1 Pakenham Street London WC1X 0LA			<i>See draft decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from pub/drinking establishment (Use Class A4) to office (Use Class B1a) at basement and ground floor levels of GII listed property.				
Recommendations:	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	<p>Multiple site notices were displayed near to the site on 31/01/2017 (consultation end date 21/02/2017)</p> <p>The development was also advertised in the local press on 02/02/2017 (consultation end date 23/02/2017)</p>			
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Consultation responses:	<p>Letters of objection was received on behalf of the owners/occupiers of 48a Calthorpe Street, WC1 and 10 Sneyd Road, NW2. The comments raised can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Sequence of events (conversion of upper floors and resultant loss of viability) a familiar pattern. The Pakenham has been “well and truly Trojaned and there is no alternative but to lodge an objection to this final proposed nail in the Pub’s coffin” 2. Object to loss of public amenity 3. Local developments will increase demand for public social spaces in the future 4. Pub had previously survived for 150 years 5. Marketing period and reduced offer [from loss of ancillary accommodation] has reduced attractiveness to potential landlords; the upper floors should never have been approved for conversion 6. Lock-up pubs have higher insurance costs, difficulties with delivery arrangements and are commercially difficult. 7. Related noises issues form the pub are far more desirable than sterile land uses such as flats and offices <p><u>Officer’s response:</u> 1: Please see section 2 of the main report. 2-6: Please see section 4 of the main report. 7: Please see sections 5 and 6 of the main report.</p>			
Bloomsbury CAAC:	<p>A letter of objection was also received from the Bloomsbury Conservation Area Advisory Committee. The comments raised can be summarised as follows:</p> <ol style="list-style-type: none"> 1. The loss of the public house in this location is a great pity, especially in view of the planned developments in the area which will certainly provide many more clientele and make such a facility viable and highly valuable as a factor in local amenity and social cohesion. <p><u>Officer’s response:</u> 1 – Please see section 4 of the main report.</p>			

CAMRA (London Region):

A further letter of objection was received on behalf of CAMRA (Campaign for Real Ale) London Region. The comments raised can be summarised as follows:

1. This is a very depressing and regrettable situation all round.
2. We are pleased that the Council has finally come to realise the very real danger of 'Trojan Horse attacks', which all too often will spell the end of an historic pub but fear that it may be too little too late, as substantial damage has already been done.
3. Pakenham Arms was a "simple fuss free boozier with great beer, a decent affordable food offer, a good welcome and a nice mixed crowd". It had a 2am licence and a good choice of decent beer. The outdoor spaces were well used and the pub was loved by locals as well as nearby postal workers at the end of their shift from Mount Pleasant.
4. With the exception of a handful of successful 'lock up' pubs, the usual case is that following the conversion of upper floors, you rarely get a pub use continued below, and if you do it resembles little of the former pub with ancillary accommodation as it necessarily has to be a different business model to meet the rental demands from the new owners
5. This is a classic case whereby a pub is sold to developers at speculation-fuelled prices and developers then get permission for 'Trojan horse' conversions of upper floors on the basis that the lower parts will remain a pub; instead they take the money and run, leaving the gutted pub unviable pending eventual application to turn that into more flats if they can't find a supermarket or estate agent who'd like to move in.

Officer's response:

1-2: Please see section 2 of the main report.

3-5: Please see section 4 of the main report.

Site Description

The application site is located on the western corner of the junction between Pakenham Street and Calthorpe Street, within the Kings Cross ward of the Borough. The application site contains a three storey (plus basement) property which was developed as and historically used as a public house (pub). The property was developed in the late 19C and is of red brick construction with rusticated stucco dressings and features fenestrations and entrances that respond to its intended public house use. The application property is Grade II listed, being first listed on the 14th May 1974 (list entry no. 1113240). The property is also located within the Bloomsbury Conservation Area.

There are also a number of other GII listed properties within the local vicinity including nos.2 and 3 Pakenham Street which form a terrace with no.1 (list refs. 1113241 & 1113242 respectively), 50 Calthorpe Street (opposite the site to the South – ref. 1244315) as well as the terrace of 45, 47 and 49 Calthorpe Street (opposite site to the North East – ref. 1244314). To the East of the site is the Mount Pleasant Mail Centre forecourt and loading area set behind a perimeter wall and fence.

As will be detailed within the subsequent history section, approval was granted in 2014 for the conversion of the upper floors of the pub to form 4x self-contained residential units. Since the implementation of this permission, the property no longer remains a single planning unit. As such this application relates to the ground and basement floor levels only which had been retained under A4 (drinking establishment) use. The upper floors of the property are currently in use as residential apartments (C3) and would be retained as such.

Relevant History

A summary of the site's planning history is as follows:

2013/6910/P & 2013/6984/L – Planning and listed building consent Granted Subject to a Section 106 Legal Agreement on the 10/03/2014 for the 'Change of use from ancillary residential above pub to create 1 x 2bed, 2 x 1bed and 1 x studio flat and associated alterations to include alterations to rear elevation and installation of glass balustrade at roof level'.

2014/2125/P & 2014/2284/L - Planning and listed building consent was refused on the 23/06/2014 for the 'Change of use from residential floorspace on upper floors, ancillary to public house below, to create 3 x 1 bed, 1 x 2 bed and 1 x 3 bed flats, plus the erection of a 3rd floor mansard roof extension with 7 dormer windows, following demolition of existing 2nd floor mansard, and alterations to rear elevation'. A subsequent Hearing Appeal was Dismissed on the 23/10/2014.

Reasons for refusal:

- 1) The proposed mansard roof, by virtue of its scale, height and location, would appear over dominant and disrupt the relatively unaltered roofscape to the detriment of the host building, the setting of the adjacent listed buildings on Calthorpe Street and Pakenham Street and the character and appearance of Bloomsbury Conservation Area...*
- 2) The replacement of the rear mansard roofslope by a sheer wall, by virtue of loss of an original mansard roof form, would harm the character of the host building, setting of the adjacent listed buildings on Calthorpe Street and Pakenham Street and character and appearance of Bloomsbury Conservation Area...*
- 3) In the absence of an appropriate EcoHomes assessment and of a legal agreement requiring a post-construction sustainability review, would fail to ensure proper standards of sustainability in the development...*
- 4) In the absence of a legal agreement for securing contributions for public open space provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing open space facilities...*
- 5) In the absence of a legal agreement for securing contributions to educational provision,*

would be likely to contribute unacceptably to pressure and demand on the Borough's existing educational facilities...

6) *In the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area...*

2014/5369/P – Non-material amendment application was granted on the 11/03/2015 for 'Amendment to planning permission (2013/6910/P) dated 10/03/2014 (for the change of use from ancillary residential above pub to create 1 x 2 bed, 2 x 1 bed, 1 x studio flat & associated alterations), namely to raise part ground floor level, widen shower rooms (flats 2 & 4), relocate kitchen (flat 3), and associated alterations'.

2016/6931/P – Application submitted for the proposed 'Change of use from pub/drinking establishment (Use Class A4) to retail (Use Class A1) at basement and ground floor levels of GII listed property'. At the time of writing no determination had been made although recommendations to grant conditional permission had been submitted.

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2016)

Policy 3.16 - Protection and enhancement of social infrastructure

Policy 4.1 - Developing London's economy

Policy 4.2 - Offices

Policy 7.4 - Local character

Policy 7.5 - Public realm

Policy 7.6 – Architecture

Policy 7.8 - Heritage assets and archaeology

Policy 7.9 - Heritage-led regeneration

Policy 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Camden Local Plan (2017)

G1 - Delivery and location of growth

C4 - Public houses

C5 - Safety and security

C6 - Access for all

A1 - Managing the impact of development

A4 - Noise and vibration

D2 - Heritage

E1 - Promoting a successful and inclusive Camden economy

E2 - Employment premises and sites T1 - Prioritising walking, cycling and public transport

T1 - Prioritising walking, cycling and public transport

T2 - Parking and car-free development

Camden Planning Guidance:

CPG1: Design (2015) Chapters:

8 - Advertisements, signs and hoardings

9 - Designing safer environments

10 - Recycling and Waste Storage

11 - Building services equipment

CPG 5 Town centres, retail and employment (2013) Chapters:

7 - Employment sites and business premises

CPG6: Amenity (2011) Chapters:

4 - Noise and vibration

9 - Access for all

12 - Planning for healthy communities

CPG 7 Transport (2011) Chapters:

7 - Vehicle access

8 - Streets and public spaces

9 - Cycling facilities

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Assessment

1. Introduction / Proposal

- 1.1. Planning permission is sought for the change of use from a public house (Use Class A4) to business office (Use Class B1) at ground and basement floors levels of the host property. The scope of the proposed change extends to the remaining GF and basement pub only and excludes the existing upper floor flats and ground floor entrance way.
- 1.2. This application has been submitted in order to establish a change of permitted use of the GF/basement only and no operational development is hereby proposed. This is evidenced by the fact that submitted existing and proposed plans show there to be no physical changes proposed. Despite the property being listed, listed building consent is not required at this stage. The applicant has been reminded that should any internal works later be required to fit out the unit for a new use (should a change of use be permitted), the statutory requirement to obtain listed building consent prior to the commencement of works would remain.

2. Background to application

- 2.1. As outlined above, planning and listed building consent applications 2013/6910/P & 2013/6984/L cumulatively granted permissions of the upper floors of the host property to be converted from spaces ancillary to the pub (A4) to no.4 self-contained residential units. These upper floors had previously comprised of a large kitchen, a staff room as well as ancillary residential accommodation (for live-in landlords). The works also included the installation of a new entrance stair and ground floor entrance, which necessitated some loss of GF floor space (approximately 12sqm).
- 2.2. Within the officer's report for these applications, it was stated that the proposed change would not cause any detrimental impacts to the long term viability of the pub which would then operate as a 'lock-up' pub (ground floor and basement levels only). Indeed, supporting documents submitted by the applicant had, at the time, described the works as allowing for the sustained continuation of the pub on a lock-up basis. As outlined within the former officer's report, at the time of the site visit these upper floors were not to be publicly accessible and as such a view was taken that their loss/change would not impinge upon the ability of the pub to provide a community role or maintain a financially sustainable business. This permission was not subject to a formal viability assessment nor were restrictive conditions or heads of terms within a legal agreement secured to ensure that the pub use was reprovided in a let-able condition prior to first occupation of the consented units.
- 2.3. Unfortunately, in the absence of such requirements, the developer had no obligation to fully implement the development as shown on proposed plans and consequently chose to implement at upper floors only, stripping the fixtures and fitting at ground floor level as consented but not completing works to restore/refit. While the upper floors levels of the property have now been

converted to a seemingly high specification, the ground floor has remained vacant and in poor condition since the commencement of works in 2014 (please see photographs in appendix two).

- 2.4. Since 2014, the full impacts caused by the loss of ancillary spaces to public houses and the subsequent impact upon long term viability of pubs have been felt and fully appreciated by the Council as well as Local Authorities across the region. Development of this kind has in many cases resulted in the loss of public houses in their entirety where it was later discovered that the lock-up pub model was not viable in particular settings and this had not been fully scrutinised at the planning stage. This has led to a clear divergence in policy stance. Consequently, policies at the local level (via the adopted Camden Local Plan 2017) as well as at a region level (via the 2016 London Plan) have acted to afford additional protections for public house uses in recognition of their unique role in forming sustainable communities. In light of the new policy context, the loss of upper floors of pubs would now only be permitted where it was categorically demonstrated that the loss of these spaces would not cause detrimental impact upon the long-term viability of the pub, nor lead to a reduced offer in terms of its ability to provide for the local community. In light of this it should be noted that the works permitted in 2014 would therefore not have been supported under the current policy context unless very comprehensive reporting were submitted.
- 2.5. Notwithstanding the above, the Council may not retrospectively apply new planning policies or previous decisions and the former permission has already been substantially implemented on site. In accordance with statutory requirements, this application must be assessed upon its own merits in accordance with the most up-to-date policy requirements.

3. Assessment

3.1. The principal considerations material to the determination of this application are as follows:

- Principle of change of use (land use) – section 4;
- Design and heritage– section 5;
- Impact on the amenity of adjoining occupiers – section 6;
- Transport / Planning Obligations – section 7.

4. Land use

Loss of public house (Use Class A4)

Policy background

- 4.1. Public houses (pubs) are considered to play an important community and cultural role. As places where members of the community meet and gather, they support social wellbeing and strengthen community cohesion. They sometimes provide important community meeting space and host local meetings, events and entertainment. Many pubs contribute to local culture and identity and this is often closely related to a pub's long-standing presence in the street scene. The closure of a pub can lead to the loss of an area's vibrancy as well as its diversity and interest. Some pubs are additionally important because they are heritage assets and architecturally distinguished.
- 4.2. Paragraph 70 of the NPPF (2012) enshrined an acknowledgement of the importance of the role that pubs can play for local communities at a national level by recognising that public houses, along with other community facilities, enhance the sustainability of local communities. Paragraph 70 also states that Local Authorities should act to “*guard against the unnecessary loss of valued facilities [including pubs] and services, particularly where this would reduce the community's ability to meet its day-to-day needs*”, but also to “*ensure that established shops, facilities [including pubs] and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community*”.

4.3. The above is upheld by the London Plan (2016) policy 3.16 which states that *“Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for reprovision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered”*. Policy 4.8 of the London Plan continues to state that Councils *“ should take a proactive approach to ... maintaining, managing and enhancing local and neighbourhood shopping and facilities [including public houses] which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence”*. Policy 3.1B also requires LPA’s to *“protect and enhance facilities and services [including pubs] that meet the needs of particular groups and communities”* and that *“Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted”*.

4.4. As evidenced by the above, pubs are increasingly under pressure from development, particularly in Central London. In light of the above, the Council’s recently adopted Local Plan includes a new policy which specifically relates to Public Houses (C4). This policy states that:

“The Council will seek to protect public houses which are of community, heritage or townscape value” [and] “...will not grant planning permission for proposals for the change of use, redevelopment and/or demolition of a public house unless it is demonstrated to the Council’s satisfaction that:

- a) the proposal would not result in the loss of pubs which are valued by the community (including protected groups) unless there are equivalent premises available capable of meeting the community’s needs served by the public house; or*
- b) there is no interest in the continued use of the property or site as a public house and no reasonable prospect of a public house being able to trade from the premises over the medium term”*

4.5. This policy continues to state that *“Where it has been demonstrated to the Council’s satisfaction that a public house can no longer be retained, the suitability of the premises for alternative community uses for which there is a defined need in the locality should be assessed before other uses are considered. If the pub is a heritage asset, it should be conserved in a manner appropriate to its heritage significance”*. In line with the NPPF and London Plan requirements, Policy C4 therefore applies a presumption in favour of the protection of public houses but also allows flexibility by supporting development where it would not be contrary to the interests of the economy, historic environment or community and is supported by robust evidence.

Value and offer of the public house as a community facility

4.6. Prior to its conversion, the Pakenham Arms had been well regarded as a choice destination for real ale fans, with weekly rotations on kegs and also received good reviews for its food offer and affordability. It featured several plasma TVs which would show sporting events and consequently also attracted sports fans. Online reviews describe the pub as being characteristic of a traditional ‘local’ public house and as such was popular with local residents as well as visitors to the area staying at the close-by Travelodge Hotel (please appendix one of this report for examples of public reviews). The pub also featured a late night licence (until 2am at weekend) which made it unique in the local area in terms of later night venues. With a South Western aspect to the front outdoor seating area, reviews would also indicate that the ability to sit outside, in the Sun on a relatively quiet residential street in Central London was also a particularly cherished feature for the former public house. Submitted comments as well as online reviews also note that this Pakenham Arms was also the preferred choice for workers of the nearby Mount Pleasant Postal Centre (the largest employer in the local area) for after works drinks and events.

- 4.7. In response to national changes to permitted rights for the conversion of public houses to alternative uses (as set out within the General Permitted Development Order - GPDO), and Article 4(1) Direction was made on 7th October 2015 by the Council for the Pakenham Arms. This directive acted to remove permitted development rights for changes of use outlined in Part 3, Schedule 2 of the GPDO in order to protect the existing A4 use. The issuing of the directive was subject to public consultation as well as the notification of relevant interested parties and the Secretary of State.
- 4.8. The Council sought to issue the Article 4 in this instance because the existing public house was considered to be of particular value to the local area and community, not only due to the *“physical worth of the listed building”* but also due to its *“communal, cultural and social importance”*. The officer’s report for the directive states that *“the Pakenham Arms is integral to the urban grain of its neighbourhood, and so forms a crucial part of the character and appearance of the conservation area. In this sense, the value of the fabric of the building and its use are inseparable”*. The value of this former public house to the local community was at this point, evidenced by a petition which was received by the Council signed by 149 people (plus 20 more online), the majority of whom indicated their postcode as being within the local area. In response, objection was raised by the owner of the property directly to the secretary of state, disputing the community value of the public house. These comments were later dismissed by the SoS who, in response to this objection, responded to say that *“after carefully considering the issues raised, the Department does not consider that the clear reasons for intervention at Government level are presented by this case...it is now for the London Borough of Camden to proceed with the matter as it sees fit”*. This direction was subsequently confirmed on 06 April 2016.
- 4.9. The application site is currently vacant at ground floor and basement levels and has been since 2014. Despite being currently vacant, the property retains its established lawful A4 use at these levels as well as the extant consent for the refurbishment of these floors to form a lock-up pub as was previously approved. Should the proposed change of use be resisted, the applicant does benefit from the ‘fall-back’ option of fully implementing this permission and restoring a pub/drinking establishment use and as such an assessment of the value of the permitted lock-up pub would be a material consideration in this assessment.
- 4.10. As permitted in 2014 and shown on approved drawings, the consented lock-up pub would have featured an open plan bar and seating area at ground floor level along with a disabled toilet. The pub would maintain a kitchen at GF level and as such would continue with its food offer. The pub would feature a GF area of 70sqm (excluding the island bar /serving area), although due to access requirements it is noted that much of this area could not be used for tables and chairs. At basement level toilets, a beer cellar as well as storage would be provided. As the demise of the pub includes an area of footway to the front with a depth of 1.9m, this space (approximately 35sqm) could continue to be used for outdoor seating as had previously been provided.
- 4.11. The pub also remains particularly important in townscape, architectural and heritage terms, not only being recognised to be of significant historic, social and architectural merit (via its listed status), but also making a positive contribution to the character of the Bloomsbury Conservation area. As well as the physical worth of the listed building, as a pub the Pakenham Arms has communal, cultural and social importance. The Pakenham Arms is integral to the urban grain of its neighbourhood, and so forms a crucial part of the character and appearance of the conservation area. In this sense, the value of the fabric of the building and its use for community / publicly accessible uses are very closely linked. The use of this site as a pub entails comings and goings, and the fixtures and fittings contribute strongly to the character and appearance of the conservation area and the special interest of the listed building.
- 4.12. Since the works to convert upper floors in 2014, the pub has lost its ability to provide a games, function or dining room at 1st floor level (should the staff room had been converted under different management). As aforementioned the pub as operating prior to 2014 had also benefited from a late night opening license, however, given the proximity to the newly consented units above it is

considered that a licence of this kind would be unlikely to be permitted for the lock-up pub.

4.13. For the above reasons, the public house (as retained in its lock-up form) is still considered to represent a local facility which was and (if reopened) would still be a valued asset to the community. It is still considered to represent an important feature of the local area, allowing for social interactions / cohesion between different demographic groups including but not limited to, local residents, advocates of real ale, sports fans, local workers and tourists / visitors to the area. Although now of notably smaller size, the pub could still provide patrons with a food offer, outdoor seating as well as televised sports were screens installed. The pub is also still considered to be of importance in townscape and heritage terms, not only for its architecture, design and remaining historic details but also by virtue of its use as a publicly assessable and inviting premise in accordance with its original architectural intent.

Evidence to justify loss

4.14. The applicant maintains that the ground and basement floor levels currently lie vacant following unsuccessful attempts to run a viable Public House in recent years and an unsuccessful marketing campaign. They claim that the former public house did not serve a community function and that the existing property cannot any longer be viably operated in its original use. They therefore suggest that an alternative commercial use for the premises (in this case for office purposes – B1) represents the optimum solution in land use planning and heritage terms.

4.15. In accordance with criterion (a) of policy C4, before the loss of the pub use is entertained, an analysis of the local area is required in order to demonstrate whether there are equivalent premises available capable of meeting the local community's needs. Within a 400m radius of the Pakenham Arms, 8 other public houses were found. The table below details these public houses as well as their comparative provision:

Name of Public House	Food?	Outdoor seating?	Sports?	Function room?	Late night?	Cask Ale selection?
Calthorpe Arms	Y	Y	Y	Y	N	Y
The Blue Lion	Y	N	Y	N	Y	Y
The Union Tavern	Y	Y	N	Y	N	Y
The Exmouth Arms	Y	Y	N	N	Y	Y
The Easton	Y	Y	N	N	N	Y
The Wilmington	Y	Y	N	N	N	Y
The Apple Tree	Y	N	N	Y	N	Y
The Duke	Y	N	N	N	N	Y

4.16. In light of the above, it is considered that were the public house use to be lost at the Pakenham Arms, there would still be an adequate provision of other public houses in the local area which would be capable of meeting the same provision for the local community's needs.

4.17. Where it is found that adequate public house provision would still remain in the local area, in accordance with criterion (b) of policy C4, the applicants must then demonstrate that the existing business use is unviable. The applicants must therefore demonstrate that there is no interest in the continued use of the property or site as a public house and no reasonable prospect of the public house being able to trade from the premises over the medium term. In order to justify the loss of the public house use in line with this policy requirement, reports have been submitted detailing the marketing campaign as well as a viability assessment for a continued A4 business.

4.18. The submitted marketing report, undertaken by Hattons Real Estate (later acquired by Colliers) details a marketing campaign for the pub that included:

- marketing brochures;
- paid advertisements in the Estates Gazette;

- erecting a marketing board;
- utilising City Agents Club & West End Agency Society agent's portals to inform the property market of the availability of the property; and
- using their own website to conduct send outs.

4.19. This campaign sought to either dispose of or to let the public house element of the property. The commercial elements of the property were marketed at a rate of £30 per sq ft between the 3rd quarter of 2015 – 1st quarter 2016. During this period, only 8 viewings of the property were completed from a range of pub operators. The marketing report states that none of these viewings resulted in any continued pursuance of the business, stating that reasons including the limited area of the site and its location away from areas of high footfall were key factors in this.

4.20. By way of demonstrating that there is no reasonable prospect of the public house being able to trade from the premises over the medium term, the applicants have also submitted a viability assessment undertaken by Savills. This report includes an audit of the state of repair of the unit; the likely fit-out costs required to reopen the pub; a review of historic accounts (2012-2014); a profit and costs exercise; market commentary as well as an analysis of competition for any future business.

4.21. The report concludes that a 'lock-up' public house operation at ground and basement floors only would not be viable in the medium term. They conclude that the prime inhibiting factors which limit the viability of the unit include:

- Its small size, limited space for seating and reduced kitchen facility offer.
- As a result of the above, the subsequent reliance upon a 'wet-led' business model (where the majority of trade derives from the sale of drinks rather than food)
- Low levels of footfall due to its siting / the character of the local area
- The high level of costs required to fit the unit out to be reopened as a public house
- The scale of the unit meaning that it would be unattractive to national wide 'pubcos'
- Increased levels of competition, particularly from the nearby Exmouth Market but also from well established local public houses.

4.22. In order to be confident of the scrupulousness of the above findings, an independent chartered surveyor (BPS) was instructed to provide a written audit of these reports at the applicant's expense. This exercise was completed in accordance with the requirements of policy C4, particularly in order to scrutinise the costs and value assumptions and market commentary that have been applied in the Savills viability study in order to determine whether their conclusions are sound. Following some discussions and the request for additional details in relation to the predicted fit-out costs to reprovided the pub use, BPS concluded that the findings of the submitted report were sound and agreed that the unit would not be suitable for a viable public house business operation in the medium term. In particular, they found that limiting factors including the low footfall of the area; the reduced service offer of the lock-up pub; the high fit out costs required and the reliance of any future business to focus upon a 'wet-led' business model.

Conclusions relating to loss of public house use (A4)

4.23. In light of the above it is considered that, whilst highly regrettable, the loss of the drinking establishment use to this unit would not result in a deficit of premises within the local area that are capable of meeting the local community's needs. The loss is therefore in line with criterion (a) of policy C4.

4.24. Following the audit of the report, the instructed 3rd party surveyors have concluded that the findings within the submitted Savills report are sound and that the continued operation of the pub business in this location is unviable in the medium term. This was in part found to be due to the reduced offer and size of the 'lock-up' pub, the subsequent reliance upon 'wet-led' trade but comparable low footfall as well as the high cost to fit out the unit for any prospective landlord. The surveyors also found that the additional pressure upon late night operation due to the proximity of

consented units above had acted to the detriment of future viability. The details submitted of the unsuccessful marketing campaign act to confirm these findings. It is therefore considered that the evidence submitted remains in accordance with criterion (b) of policy C4.

- 4.25. It is therefore concluded that in this instance the loss of the A4 use is justified in terms of this policy. This is however subject to an assessment of the acceptability of the proposed replacement use which will now follow.

Proposed replacement use (Office – Use Class B1)

- 4.26. Policy C4 states that where the loss of a public house has been fully justified in accordance with criterion (a) and (b) and an alternative use is sought, “*the suitability of the premises for alternative community uses for which there is a defined need in the locality should be assessed before other uses are considered*”. This clause also states that “*If the pub is a heritage asset, it should be conserved in a manner appropriate to its heritage significance*”.
- 4.27. The applicant reasons that the former public house did not fulfil a community function and that therefore no alternative community use would be required in this instance. As outlined in paragraphs 4.6 - 4.11, the Council does not share this view and as such would expect the replacement use to be provided for the local community and that the proposed use was well suited to the listed building.
- 4.28. In this instance, the application site is a designation heritage asset and is located within a conservation area. The listed property is considered to be of specific significance in terms of its historic, architectural, townscape and social-historic merits. The surrounding conservation area is characterised by 19thC residential development to the South, West and North. To the East and South East are more commercial uses such as the Travelodge and the Mount Pleasant sorting office and museum however these uses are also considered to contribute towards the formation of the ‘community need’ due to their importance to the local area. The site sits within a residential area which itself, borders areas with much more commercial characteristics. Further South - around Holborn, Chancery Lane and Clerkenwell – are areas of much greater commercial activity and are characterised by employment uses and denser development. The quiet, residential character of the local area is thus at contrasts with those commercial areas to the South.
- 4.29. Due to this level of proximity to major office developments, it is considered that the local area is currently well-served by nearby employment uses and that there is no defined need for additional local office provision. Furthermore, office uses are characterised as private spaces with access restricted to employees of the business only; their business models do not rely upon attracting passers-by into the unit in order to increase sales and as such tend to have a muted external presence in streetscape terms. When asked to justify how the proposed office use would address the needs of the local community, the applicant responded to state that the unit would be too small to offer any space / meeting rooms for community use; that other provision is instead offered elsewhere in the area; and that they would therefore not seek any community offer. The proposed office use would therefore offer no direct benefits for the local community in response to their needs.
- 4.30. A proposed office use is therefore not considered to represent an alternative community uses for which there is a defined need in the locality as the local area is in close proximity to surrounding areas of considerable commercial floorspace, character and activity. In terms of re-providing a community use, it is considered that alternative uses (such as those that maintain public access and preserve the character of the listed building as a unit for the sale of goods) should be explored prior to an office use being considered acceptable. The proposed office use is also not considered to be appropriate to the significance of the heritage assets and harmful in conservation and townscape terms, this will be expanded upon within the conservation and heritage section of the report.

- 4.31. The applicant reasons that the proposed change to an office use would provide benefits in that it would allow for an employment use to be retained on site. This does align with the broad wording of policy E2. Supporting information has not detailed the expected number of employees or details of how this use would be implemented onsite.
- 4.32. The supporting text to London Plan policy 4.2 states that for central area of the city, an average office employment density of 1 worker per 12 sqm expected, with an average net:gross development ratios of 75% - 85%. Assuming that a lower net:gross ratio is achievable (75% - by virtue of the constraints of the listed building) this would result in a net internal area (NIA) of 169.5sqm out of the total GIA (226sqm) being useable as office floorspace. On this basis, this would likely mean that the converted unit could host up to 14 employees. It is however noted that much of the basement floorspace included within this calculation may not be suitable for office use due to the spatial qualities, lack of natural light and poor access in these areas.
- 4.33. In light of the above, the provision of approximately 170sqm (NIA) of employment space, suitable for up to a maximum of 14 employees would present more public benefit than some other alternative uses (such as private residential). This benefit is not however considered to outweigh the harm caused by the proposed change in terms of the loss of a community facility to a fully private use without an appropriate community use re-provision, as well as the harm caused in townscape, conservation and heritage terms. The proposed replacement office use is therefore considered contrary to the requirements of policy C4 of the Camden Local Plan.

5. Design and heritage

- 5.1. The application site is within a grade II listed building as well as the Bloomsbury Conservation Area. The Council therefore has a statutory duty outlined in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character, appearance and significance of these heritage assets. The host building was listed due to its unique architectural contribution as well as its importance in terms of townscape and social history.
- 5.2. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance. In order to preserve or enhance the borough's listed buildings, policy D2 additionally states that the Council will only grant permission for changes to listed building where those changes do not cause harm to the setting or special interest of the building.
- 5.3. As aforementioned this planning application seeks consent for the use of the unit only and does not include any internal or external alterations at this stage. As listed building consent had previously been granted for the ground floor strip out (without its replacement being conditioned), listed building consent nor retrospective consent is not required for the proposed change of use. As such, the only assessment in terms of design and heritage for the change of use application is therefore whether or not the use proposed would remain sensitive to the listed building and would remain in keeping with the character and appearance with Bloomsbury Conservation area.
- 5.4. As evidenced in photos outlined in appendix two of this report, prior to the public house closing in 2014, the unit had presented a welcoming and interesting frontage which had acted to define and animate the local streetscene. This is usual for a business use that relies upon enticing passers-by inside. For this reason, significance of the listed building derives not only from its architectural quality, but also in that the *use* of this site as a pub entails comings and goings, and fixtures and fittings which contribute strongly to the character and appearance of the conservation area and the special interest of the listed building. As previously stated, the Pakenham Arms is integral to the urban grain of its neighbourhood and forms a crucial part of the character and appearance of the conservation area. In this sense, the value of the fabric of the building and its use for publicly accessible/community purposes are inseparable.

- 5.5. As previously discussed, office uses are characterised as private spaces in which employees expect some level of privacy. As their business models do not revolve around the sale of convenience or comparison goods, office uses tend to be 'inwards looking', without active frontages, window displays or signage. Rather than addressing the street, offices tend to shut themselves off to the street to allow for private activities to occur inside. A change of use to office in this location would consequently mean that the listed building which was built for public uses and has remained accessible for the local community for the best part of 150 years would close its doors to local residents on a permanent basis. As with most ground floor office units, alterations to units with large fenestrations would usually be required in order to provide screening for employees. The proposed use would therefore also lead to the 'sterilisation' of the local streetscene, reducing the level of animation, interest and natural surveillance to the local area. Examples to evidence the above can be found in appendix two of this report.
- 5.6. In addition to the above, although permission is not sought at this stage for any operational development, it is worth noting that in order to provide office space that meets modern requirements (and is therefore viable), it is highly likely that further interventions into the historic building would be required if the principle of the land use was granted. For example, modern office standards require desks equipped individual power and data sockets per employee as well as basic other minimum M&E (mechanical and electrical) requirements such as heating, cooling and data centres which themselves require cooling. In order to provide either island desks, or desks sets set against walls, cable runs would therefore be required to be routed either beneath floors through historic fabric or along walls. The installation of HVAC systems would also necessitate further interventions into historic fabric. If meetings rooms or separate offices were required, open spaces would be subject to subdivision, altering the spatial characteristics of the unit.
- 5.7. Overall it is considered that the proposed change of use would harm the historic significance of the listed building and its contribution to the character and appearance of the Bloomsbury Conservation Area. The proposed change of use is therefore considered contrary to policy D2 of the Local Plan.

6. Neighbouring amenity

- 6.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. This policy seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight. Policy A4 aims to ensure that noise and vibration is controlled and managed and sets out the Council's thresholds for noise and vibration so as not to result in any detrimental impact.
- 6.2. As no external alterations to the property are proposed, the development would not give rise to impacts in terms of levels of natural light, outlook or privacy. The main consideration regarding the impact on the amenity of neighbouring occupiers therefore remains the potential impacts in terms of noise and disturbance.
- 6.3. Due the proposed change of use resulting in the loss of a drinking establishment and its replacement with an office use, it is considered that the likely impacts in terms of noise and disruption associated with the use of the unit would be reduced as a result of the proposed change. The use of the unit for office purposes is expected to requiring servicing up to 3 times weekly. This is not considered to give rise any disturbance to adjoining residential occupiers given the existing arrangements subject to appropriate timings. Were the development to be otherwise acceptable, a condition would be applied to limit the hours of servicing.
- 6.4. The proposed change of would remain in accordance with policies A1 and A4 of the Local Plan.

7. Transport / Servicing

- 7.1. The submitted transport statement states that due to the scale of the unit and the level of public transport accessibility of the site (6b), the proposed office use would generate some 'new' trips on the local transport network but these would be offset by the trips associated with the existing A4 use. The unit would require servicing a maximum of three times per week with Lights Goods Vehicle which is lower than the same level as the existing A4 use (no HGV requirements). As such the proposed change of use is not considered likely to result in any detrimental impacts upon local traffic conditions or highways safety.
- 7.2. Although the change of use would usually necessitate the provision of 3 cycle parking spaces to accord with requirements, due to the listed status of the property the lack of a dedicated cycle store is not in this instance objectionable. This is also due to the high PTAL level of the site. Due to the scale and internal layout of the unit, adequate provision could easily be made for refuse within one of the existing stores and as such no concern is raised in this regard. The proposed use of the site is consequently not considered to give rise to any concern in terms of impact to local traffic conditions or through disturbances to residents from the servicing of the unit, remaining in accordance with policies A1, A4, TC4, T1 and T4.

8. Recommendation:

- 8.1. Refuse planning permission

9. Conditions:

- 9.1. In the event of a successful appeal, it is requested that the following conditions are secured:

1) Servicing for the unit shall not take place outside of the following times: 07:00-22:00 Monday-Saturday, and 08:00-21:00 Sundays and bank holidays.

Reason: To safeguard amenities of adjacent premises in accordance with the requirements of policies A1 and T4 of the London Borough of Camden Local Plan 2017.

2) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 3 of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the use of the unit as one which remains sensitive to the significance of the heritage asset, to protect employment space and to avoid the unit falling into a private residential use without prior consent in compliance with the requirements of policies C4, D2, TC1, TC3 and TC5 of London Borough of Camden Local Plan 2017.

Appendix One –
Pakenham Arms former Public House online reviews

Website	Date	(User) Name	Review
www.tripadvisor.co.uk	12 Dec 2014	'VivaMiVida'	<i>"I think this pub is no more, seeing as its now surrounded by cladding and definitely not open. Tried to show my boyfriend on Wednesday night what a great place it was. I lived in the UCL halls round the corner and this place became our lock-in. At some point, we all worked there, drank there, celebrated birthdays and smoked too many cigarettes on the corner. The staff were so friendly, there was always space for us and no one cared if you turned up at 2am in your PJs. RIP Pakenham Arms, you'll be missed"</i>
www.tripadvisor.co.uk	29 Jul 2013	Debbieg777	<i>"This was my favorite pub during our last trip to London. Kyle, the pub owner, is so friendly! I got the fish and chips and a half pint of cider and I enjoyed it. Me and my friends came here several times to use the wi fi and because it was right next to our hotel (The Holiday Inn). I'd recommend this pub to visitors."</i>
www.tripadvisor.co.uk	23 Nov 2012	'GianniB Good'	<p><i>[The] "Pakenham is not on everyone's travel map, but it should be if you like a relaxed pub atmosphere updated to the 21st century, and good beers/ ales with great food at good prices. A nice selection of contemporary music is played at not unreasonable volume.</i></p> <p><i>The interior of the pub, which has a southeast exposure, and therefore warm sun (on a sunny day!) is cosy but open, with high ceilings and a variety of old furniture that invites you to settle down. Service might be a bit idiosyncratic, but what else do you expect in your local? When we arrived just before noon, it was not crowded and the woman behind the bar was happy to answer questions about the drinks available and even offered us samples to make sure we would like what we asked for.</i></p> <p><i>Settled at a table with our Triple A ales, we ordered from the daily specials list: one of us took the pan-fried pork chop with sauteed kale and crushed new potatoes (GBP 9), the other the corned beef has with eggs (GBP 8). The food was attractively prepared and presented, the volume was good, and the taste absolutely of the freshest. We could see why, by 1 PM, the pub was full of young people, and a few oldsters at the bar itself.</i></p> <p><i>Highly recommended for a relaxed lunch with friends who like an unpretentious atmosphere with character and comfortable surroundings"</i></p>
www.yelp.co.uk	15 Jun 2012	'Ed S.'	<i>"This is your typical around-the-corner pub - well-run, nice place, but nothing outstanding. They do have a good selection of lagers and ales, but most importantly, I think, it's one of the few pubs open after 11 during the week in this area"</i>
www.fancyapint.com	08 Jun 2011	'First_Tuesday'	<p><i>"The Pakenham Arms is one of those London Treasures. Its beer is always good, the food excellent and clientele amiable. It is how a pub should be!</i></p> <p><i>We spent a pleasant and comfortable evening there with the televised football match only on the screen in the far side of the</i></p>

bar from us. As a pleasant aside, the loos were clean and hygienic and spacious - always a bonus.

*The annual guided tour of the cellars under the pub was a surprise as we were unaware it was scheduled. However, the link to the old Royal Mail underground railway tunnels running through Mount Pleasant, across the road, was a real treat! It was only a shame about the American tourist who seemed to lose her head when shown the covered canal of the old Fleet River and the reptilian life forms therein - still she was warned it was not a trip for the faint hearted!
All in all, an excellent pub!"*

www.fancyapint.com

05
Jun
2011

'Normie'

"Great little pub just off Grays Inn Road, called in for lunch on Friday. Staff very friendly, with a great selection of real ales and beers.

Food wise, had The Pakenham Burger, home made, served with bacon, cheese, onion rings and relish, and wait for it home made chips, partner had the Caesar salad, with fresh chicken, and even home made dressing - gotta be honest, wasn't sure what to expect but this wasn't it, it was fantastic - one of the best pub meals I've had for ages.

Great atmosphere, and made to feel very welcome. Nice buzzy crowd of office workers as well as three very friendly dogs, which were just what the doctor ordered after a really hassly morning in the office

Can't recommend highly enough"

www.yelp.co.uk

5
May
2010

'Patrick F'

"A really pleasant boozier with a few different faces. Often, the bar is propped up by posties from the shockingly misnomered Mount Pleasant sorting office across the road; or it's heaving with a crowd of football fans, largely gooners; or a couple of locals will bring their dog in for a drink and a chat, or to get some 'work' done using the free wifi...

It's easy to see why it appeals to such a range: friendly staff, good selection of ales and lagers, a good ol' pub grub menu, interesting 'local history' decor on the walls not entirely overwhelmed by the multiple tv screens so the punters can watch several broadcasts at once, and outdoor tables for the smokers with views

From the menu, the chips deserve a special mention. Hand cut, skin still on (not wedges but thin cut), golden fried and served with a wholegrain mustard mayonnaise... to die for."

www.yelp.co.uk

24
Oct
2008

'MartyF'

"Great Pub, blinding atmosphere and Doom Bar to boot. Popped in for a pie at lunchtime and have to agree with the previous reviewer, the place is like a postman pat appreciation society. No wonder the mail is always late.the postmen are all quaffing ale here.

There are 2 big screens for Sport, a substantial menu, poker on Sundays and opening hours to suit even the hardest of drinkers. Well worth the 10 minute walk from Russel Sqr Tube".

Appendix Two – Supporting images

(1) Public house operational July 2008



(2) Public house operational June 2012



(3) Public house operational May 2014



(4) Public house closes in preparation for works to commence (July 2014)



(5) Works commence (April 2015)



(6) Upper floor conversions completed July 2016, GF vacant

